



remy green &lt;remy@femmelaw.com&gt;

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## In re: New York City Policing During Summer 2020 Demonstrations - Samples of Withheld Documents (per Dkt. No. 718)

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**remy green** <remy@femmelaw.com>

Tue, Nov 29, 2022 at 10:48 AM

To: "Marts, Sergey (LAW)" &lt;semarts@law.nyc.gov&gt;

Cc: AG-NYPDLitigation &lt;AG.NYPDLitigation@ag.ny.gov&gt;, Gray Legal Team-External &lt;GrayLegalTeam@dwt.com&gt;, NYC Law Protest Team &lt;NYCLawProtestTeam@law.nyc.gov&gt;, Payne Litigation Team &lt;PayneLitigationTeam@nyclu.org&gt;, Wood &lt;wood@klflaw.com&gt;, Sierra Team &lt;SierraTeam@moskovitzlaw.com&gt;, Sow-Legal &lt;Sow-Legal@blhny.com&gt;, "rolonlegalteam ." &lt;rolonlegalteam@aboushi.com&gt;

Hi Sergey,

We need an actual date, so we can put that in an order—but assuming that early January means the first week and also comes with a version of the other information in my email, we're in agreement.

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Sent from a mobile device, please excuse any thumbling or stumbling.

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J. Remy Green

*Partner*

Cohen&Green P.L.L.C.	#FemmeLaw
remy@femmelaw.com (e)	(929) 888.9560(direct)
(929) 888.9480 (p)	(929) 888.9457 (f)
honorific / pronouns: Mx. / they, their, them	

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On Nov 29, 2022, at 9:46 AM, Marts, Sergey (LAW) <semarts@law.nyc.gov> wrote:

Good morning Remy,

I have realized that I have a conflict on Thursday due to a previously scheduled deposition so I will be unavailable for the meet and confer.

That being said, I can confirm that defendants can produce the samples in early January; therefore, I believe that the meet and confer is no longer necessary. Please let me know.

Thank you.

Sincerely,

Sergey Marts

Assistant Corporation Counsel

Special Federal Litigation Division

New York City Law Department

100 Church Street

New York, New York 10007

Tel.: 212-356-5051

Email: [semarts@law.nyc.gov](mailto:semarts@law.nyc.gov)

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**From:** remy green <[remy@femmelaw.com](mailto:remy@femmelaw.com)>

**Sent:** Monday, November 21, 2022 4:25 PM

**To:** Marts, Sergey (LAW) <[semarts@law.nyc.gov](mailto:semarts@law.nyc.gov)>

**Cc:** AG-NYPDLitigation <[AG.NYPDLitigation@ag.ny.gov](mailto:AG.NYPDLitigation@ag.ny.gov)>; Gray Legal Team-External <[GrayLegalTeam@dwt.com](mailto:GrayLegalTeam@dwt.com)>; NYC Law Protest Team <[NYCLawProtestTeam@law.nyc.gov](mailto:NYCLawProtestTeam@law.nyc.gov)>; Payne Litigation Team <[PayneLitigationTeam@nyclu.org](mailto:PayneLitigationTeam@nyclu.org)>; Wood <[wood@kllflaw.com](mailto:wood@kllflaw.com)>; Sierra Team <[SierraTeam@moskovitzlaw.com](mailto:SierraTeam@moskovitzlaw.com)>; Sow-Legal <[Sow-Legal@blhny.com](mailto:Sow-Legal@blhny.com)>; rolonlegalteam . <[rolonlegalteam@aboushi.com](mailto:rolonlegalteam@aboushi.com)>

**Subject:** Re: [EXTERNAL] Re: In re: New York City Policing During Summer 2020 Demonstrations - Samples of Withheld Documents (per Dkt. No. 718)

Hi Sergey,

We can meet on December 1, and will get back in touch with a time shortly (although it's not my understanding that meet and confers are being held off). Can you confirm that in the meet and confer (1) the City be prepared to discuss all outstanding matters in this thread and (2) the production date will be shortly after December 1 (and certainly before the Christmas/New Year holiday)?

Thanks,

Remy

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**J. Remy Green**

*Partner*

Cohen&Green P.L.L.C.	#FemmeLaw
[remy@femmelaw.com](mailto:remy@femmelaw.com) (e)	(929) 888.9560 (direct)
(929) 888.9480 (p)	(929) 888.9457 (f)
**honorific / pronouns:** Mx. / they, their, them	

| 1639 Centre St., Ste. 216 | Ridgewood (Queens), NY 11385 |

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On Mon, Nov 21, 2022 at 4:05 PM Marts, Sergey (LAW) <[semarts@law.nyc.gov](mailto:semarts@law.nyc.gov)> wrote:

Good afternoon:

We will not be able to produce the samples by December 2, 2022. Per the continuing settlement discussions, our offices have an understanding that meet and confers this week are being held off. We can meet and confer on the production date next week on Thursday, December 1, 2022, after 10:00 a.m. as we will have a better sense of when we can produce the samples by then. Thank you.

Sincerely,

Sergey Marts

Assistant Corporation Counsel

Special Federal Litigation Division

New York City Law Department

100 Church Street

New York, New York 10007

Tel.: 212-356-5051

Email: [semarts@law.nyc.gov](mailto:semarts@law.nyc.gov)

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**From:** remy green <[remy@femmelaw.com](mailto:remy@femmelaw.com)>  
**Sent:** Monday, November 21, 2022 12:51 PM  
**To:** NYC Law Protest Team <[NYCLawProtestTeam@law.nyc.gov](mailto:NYCLawProtestTeam@law.nyc.gov)>  
**Cc:** AG-NYPDLitigation <[AG.NYPDLitigation@ag.ny.gov](mailto:AG.NYPDLitigation@ag.ny.gov)>; Gray Legal Team-External <[GrayLegalTeam@dwt.com](mailto:GrayLegalTeam@dwt.com)>; Payne Litigation Team <[PayneLitigationTeam@nyclu.org](mailto:PayneLitigationTeam@nyclu.org)>; Wood <[wood@klflaw.com](mailto:wood@klflaw.com)>; Sierra Team <[SierraTeam@moskovitzlaw.com](mailto:SierraTeam@moskovitzlaw.com)>; Sow-Legal <[Sow-Legal@bhny.com](mailto:Sow-Legal@bhny.com)>; rolonlegalteam . <[rolonlegalteam@aboushi.com](mailto:rolonlegalteam@aboushi.com)>  
**Subject:** [EXTERNAL] Re: In re: New York City Policing During Summer 2020 Demonstrations - Samples of Withheld Documents (per Dkt. No. 718)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to [phish@oti.nyc.gov](mailto:phish@oti.nyc.gov) as an attachment (Click the More button, then forward as attachment).

Dear all,

Having heard no objections, we assume this is an acceptable deadline for the already agreed commitment, and have prepared the attached proposed consent order under Dkt. No. 490.

Additionally, in preparing to meet and confer on the broader issue this process is intended to address, we have listed below a number of documents (we can send them too, if that's easier -- please just let us know).\* We would appreciate if Defendants responded with (1) whether they are still asserting the documents are "non-responsive" or "non-relevant" and (2) if not, explaining how these documents came to be marked non-responsive (including whether the specific document was subject to quality control).

If Defendants are willing to provide that information, we have no issue waiting a month or so to receive it (e.g., to December 16, or another date you propose) -- since it will be most relevant once we review the samples and have scheduled the appropriate follow up meet and confer. But with that said, we need to know if the City is objecting to providing this information in very short order. We would ask that you let us know by close of business on November 25. And if the City is not willing to provide this information, by the same time, please provide two or three proposed times to meet and confer early next week (or let us know if you will be ready to fold it into the existing meeting this week).

Yours,

Remy.

\*Please note that Bates numbers are not indicating that page is the entire document, these are just the first pages (and therefore the control number).

Documents:

DEF\_E\_PD\_000131831;  
DEF\_E\_PD\_000122664;  
DEF\_E\_PD\_000130174;  
DEF\_E\_PD000122220  
DEF\_E\_PD\_000122197;  
DEF\_E\_PD\_000122201;  
DEF\_E\_PD\_000122205;  
DEF\_E\_PD\_000122209;  
DEF\_E\_PD\_000122213;  
DEF\_E\_PD\_000130575;  
DEF\_E\_000055797  
DEF\_E\_PD\_000121769;  
DEF\_E\_PD\_000121580  
DEF\_000518366;  
DEF\_E\_PD\_000127889;  
DEF\_E\_000057519;  
DEF\_E\_000132831;  
DEF\_E\_PD000131017;  
DEF\_E\_PD\_000121789;  
DEF\_E\_PD\_000121903  
DEF\_E\_PD\_000122160  
DEF\_E\_PD\_000122457;  
DEF\_E\_PD\_000124934;  
DEF\_E\_PD\_000126320;  
DEF\_E\_PD\_000129918;  
DEF\_E\_PD\_000130722;  
DEF\_E\_PD\_000130851;  
DEF\_E\_PD\_000136288;  
DEF-E\_000057786

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## J. Remy Green

*Partner*

Cohen&Green P.L.L.C.	#FemmeLaw
[remy@femmelaw.com](mailto:remy@femmelaw.com) (e)	(929) 888.9560 (direct)
(929) 888.9480 (p)	(929) 888.9457 (f)
**honorable / pronouns: Mx. / they, their, them**	
1639 Centre St., Ste. 216	Ridgewood (Queens), NY 11385

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On Thu, Nov 10, 2022 at 5:29 PM remy green <[remy@femmelaw.com](mailto:remy@femmelaw.com)> wrote:

Dear all,

As agreed, Defendants will be producing four samples of documents previously considered non-responsive by the City “at a date to be determined after the stay has lifted.” Dkt. No. 718 ¶ 4a (email referenced therein attached here for convenience).

Given the bigger picture implications here, Plaintiffs believe it would be prejudicial to wait more than two weeks after the stay expires. Please confirm that Defendants will produce the 95/5 samples for each of the four categories previously discussed by December 2, and the associated privilege logs by no later than two weeks following that, or December 16.

If Defendants do not agree, please provide dates you are available to meet and confer, during the week of November 21, on that timing.

Yours,

Remy.

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**J. Remy Green**

*Partner*

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